

### REMARKS

Claims 1, 3, 4, 7-9, and 18 have been examined and have been rejected under 35 U.S.C. § 103(a). Also, the Examiner has withdrawn claims 10-17 and 19 from consideration.

**I. Rejection under 35 U.S.C. § 103(a) over U.S. Patent No. 5,486,854 to Uchida (“Uchida”) and U.S. Patent No. 6,523,414 to Malmstrom et al. (“Malmstrom”)**

Claims 1, 3, 4, 7, and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchida and Malmstrom. Applicants submit that the claims are patentable over the references.

**A. Claim 1**

For example, claim 1 relates to a liquid ejecting apparatus that comprises a tube pump, which has a flexible tube member. The tube member has a curved part, and a roller member rolls on an inner periphery of the curved part while pressing and deforming tube member. Also, a leak point exists where a pressing deformation amount of the curved part by the roller member becomes insufficient. Also, both ends of the tube member are pulled out in a same direction and bundled together in a same plane, and the leak point is positioned at an area where the ends of the tube member are bundled.

The Examiner contends that, in Fig. 6 of Uchida, the tube member 3 corresponds to the claimed tube member and that the area between elements 65 and 66 correspond to the claimed leak point. However, as shown in Fig. 6, both ends of member 3 not are pulled out in a same direction and bundled together in a same plane, and the alleged leak point is not positioned at an area where the ends of the tube member 3 are bundled.

Since Malmstrom does not cure the deficient teachings of Uchida, Applicants submit that claim 1 is patentable for at least the reasons above.

**B. Claims 3, 4, and 7**

Since claims 3, 4, and 7 depend upon claim 1, Applicants submit that they are patentable at least by virtue of their dependency.

**C. Claim 18**

Since claim 18 contain features that are similar to the features recited in claim 1, Applicants submit that it is patentable for at least similar reasons.

**II. Rejection under 35 U.S.C. § 103(a) over Uchida, Malmstrom, and U.S. Patent No. 6,291,815 to Sugiyama et al. ("Sugiyama")**

Claims 8 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchida and Malmstrom (as applied to claims 1 and 7 above) and further in view of Sugiyama. Since claims 8 and 9 ultimately depend upon claim 1, and since Sugiyama does not cure the deficient teachings of Uchida and Malmstrom with respect to claim 1, Applicants submit that claims 8 and 9 are patentable at least by virtue of their dependency.

**III. Conclusion**

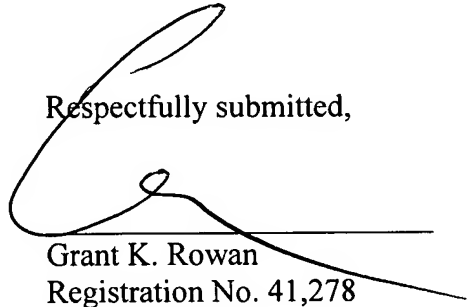
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)  
U.S. Application No.: 10/814,648

Attorney Docket No.: Q80869

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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